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7 Attorneys for the United States

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ,

11 Plaintiff,

12 v.

13 FRANCISCO CRUZ-MENDOZA,
T/N Jose Alejandro Valdivia-Flores,

14 Defendant.
15

Case No.: 14CR3700-BAS

Date: March 24, 2015

Time: 9:00 a.m.

**STIPULATION OF FACTS
FOR A BENCH TRIAL**

16 IT IS HEREBY AGREED between the plaintiff, UNITED STATES OF
17 AMERICA, through its counsel, Laura E. Duffy, United States Attorney,
18 and Joseph J.M. Orabona, Assistant U.S. Attorney, and defendant,
19 Francisco Cruz-Mendoza, true name Jose Alejandro Valdivia-Flores
20 ("Defendant"), with the advice and consent of Joseph S. Camden,
21 Federal Defenders of San Diego, Inc., counsel for Defendant, that the
22 following facts are true beyond a reasonable doubt:

- 23 1. Defendant's true name is Jose Alejandro Valdivia-Flores.
24 Following his arrest in 1997 for a violation of Revised
25 Code Washington ("RCW") § 69.50.401(a), Defendant provided
26 a false name, Francisco Cruz-Mendoza. Defendant has
27 continued to use this false name, including at the time of
28 his arrest in this case.

FILED

MAR 17 2015

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY**
BY *SM*

2. Defendant is not a citizen of the United States. He was not a citizen of the United States at the time of the offenses on November 13, 2014.

3. Defendant is a citizen and national of Mexico.

4. On August 8, 1997, Defendant suffered a felony conviction for Possession with Intent to Deliver Heroin, in violation of RCW § 69.50.401(a), in the Superior Court of the State of Washington for King County, Seattle, Washington, Case No. 97-C-0566-7 SEA, where the state court judge sentenced Defendant to 21 months in prison.

5. On March 31, 2009, Defendant was ordered removed and deported from the United States pursuant to a Final Administrative Order of Removal. Thereafter, Defendant was physically removed from the United States to Mexico on April 4, 2009.

6. On November 22, 2013, Defendant suffered a felony conviction for being a removed alien found in the United States, in violation of 8 U.S.C. § 1326. Thereafter, Defendant was physically removed from the United States to Mexico on September 9, 2014.

7. As alleged in the Indictment in this case, on November 13, 2014, Defendant had the conscious desire to return to the United States and applied for entry into the United States from Mexico through the pedestrian lanes at the San Ysidro, California, Port of Entry (POE), by falsely claiming to be another person and knowingly presenting to immigration officers as his own identification a false and fraudulent United States Certificate of Naturalization that contained

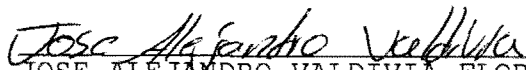
his photograph, but the name, birth date, and Alien Registration Number (INS Number) of another person. Defendant admits that this was a substantial step toward committing the crimes charged in Counts 1 and 2 of the Indictment in this case.

8. At the time Defendant applied for entry into the United States on November 13, 2014, Defendant knew the United States Certificate of Naturalization had been forged, counterfeited, altered, falsely made, and unlawfully obtained from another person. Defendant agreed to pay a total of \$1,400 to knowingly use the false and fraudulent United States Certificate of Naturalization.


9. At the time Defendant applied for entry into the United States on November 13, 2014, Defendant had not obtained the consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to reapply for admission into the United States.

SO STIPULATED.

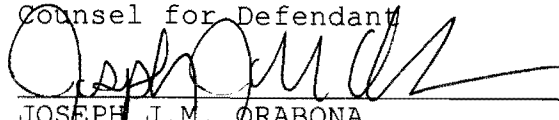
DATED: 2/25/15


JOSE ALEJANDRO VALDIVIA-FLORES
AKA FRANCISCO CRUZ-MENDOZA
Defendant

DATED: 2/25/15


JOSEPH S. CAMDEN
Counsel for Defendant

DATED: 3/17/15


JOSEPH J.M. ORABONA
Assistant United States Attorney